

REMARKS

Claims 1-2, 7-10 and 16-29 are all the claims presently pending in the application. Claims 24-25 stand rejected under 35 U.S.C. 112, second paragraph. Claims 1-2, 7-10, 16-29 stand rejected under 35 U.S.C. 103(a) as anticipated by Fette or Guan in view of Spies.

Applicant has amended the claims based on disclosure in the specification and standards for Internet telephony referenced in the specification. Applicant asserts that the amended claims are not obvious as is explained below. For efficiency of prosecution, applicant respectfully requests the Examiner either to withdraw the Final Rejection status of the application and re-open prosecution based on the merits or enter the proposed amendments and pass the application to issue.

The rejections are respectfully traversed in view of the following discussion.

THE 35 U.S.C. 112 FIRST PARAGRAPH REJECTION

Claims 24-25 have been amended to correct a typographical error. The first speaker's speech should be translated as first text characters and the second speaker's speech should be translated as second text characters. Applicant respectfully requests the Examiner to permit this amendment.

THE PRIOR ART REJECTIONS

The Examiner has rejected the claimed invention as unpatentable over Fette or Guan in view of Spies and the H.323 references cited from the Web site www.h323forum.org/papers including the Basic H.323 powerpoint presentation.

In the remarks, the Examiner correctly recognized that there are elements of the application that are known to one skilled in the art that do not need to be fully explained in the specification. For example, the Examiner cited the H.323 standards to in the rejection of the claims to allege obviousness of “determining a status of the telephony link” in the claims by using basic handshaking protocols on a packet network and call signaling used in H.323 (slides 7-11 of Basic H.323). While the Applicant asserts this rejection is incorrect, Applicant also refers to slide 12 of the Basic H.323 presentation that discusses “Audio-ITU-approved (e.g., G.711, G.729, G.723.1), other standard (e.g., GSM), and proprietary coders.” The specification of the application also references these types of ITU standards for digital voice transmission systems for packet networks.

Standards for digital telephony on voice-over-packet networks are found in ITU standards. (Application, [0003]) The ITU standards for IP telephony describe standards for an important aspect of telephony: how to determine the presence or absence of voice activity in frames of speech, such as the standard for Voice Activity Detection Algorithm in G.729 Annex B standards. This was also described in the exemplary embodiment in paragraph [0018] of the specification:

...audio processing software can be used to distinguish between speech

and background noise to identify pauses, or breaks, in speech.”

It is from this basis that the current claim amendments arise.

Unlike the present invention, the cited references did not address this important issue of digital audio transmission over packet networks, an issue so important that the ITU has published numerous standards on the topic including G.729 Annex B. In fact, the method of how to deal with the silence in the pauses or breaks in speech, combined with the speech coded into text form, is not even mentioned by the cited references. According to the methods in the cited references, the real-time speech would not have breaks in speech in real-time, or silence descriptors coded in between the words of the text, or account for background noise either in the encoding, word translation to text, or decoding and playing out. Thus the de-coded text would all run together without the real-time breaks or have a descriptor or playout for the background noise in non-voice frames. Only the spectral parameters of the speech itself, converted with a word text, is transmitted to a receiver for conversion back to a speech signal. No silence or background noise for non-voice packets are detected, decoded, or played-out in the cited references.

In Guan, “The speech is captured by a transducer... and converted into a speech signal 10 ...[and] is input to phone frontend module 12.” (Col. 5 L. 35) “The continuous speech recognizer module 38 conducts speech recognition process using the speech features 34 and the discrete speech signal.” (col. 7, L. 22) The voice signals

themselves are read and translated no teaching or suggestion of how to encode the silence and/or background noise of non-voice packets is disclosed.

In Fette, "A digital signal representative of the specific word, which may be ASCII or a numeric code, indicating the position of the word in storage, is combined with digital signals that characterize the human speaker's voice..." (col. 1, L. 34) No teaching or suggestion of how to encode the silence and/or background noise of non-voice packets is disclosed.

In Spies, "The digital signals delivered to processor 14 from codec 12 are then converted to text for subsequent delivery to another CTD via the transmission media 6." Col 3, L. 24) No teaching or suggestion of how to encode the silence and/or background noise of non-voice packets is disclosed.

Combining non-voice encoding techniques with voice-to text encoding of characters and transmission across a packet network is not obvious because it is clearly a problem to be dealt with, as evidenced by the standard, coding with an ACELP encoder of G.729, but was not even considered by the Examiner's cited references. This is different than the telephony transmission signaling parameters under H.323 because those parameters are used in setting up a telephone call, but not in the actual audio coding itself. None of the numerous prior art references addressed this aspect of encoding speech as text for IP telephony over a packet network, which is clear evidence that is it not obvious to one skilled in the art. The present invention, however, began the disclosure by stating this is a problem that would be dealt with by using audio

software to determine the background noise, pauses, and breaks in the speech transmission.

CONCLUSION

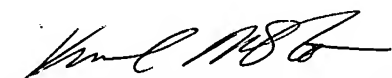
The Applicant respectfully submits that the present claims are distinct over the prior art references and in condition for allowance. Applicant requests that the Examiner permit the present amendments and passes the Application to issue and/or that prosecution will continue on the merits.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner may contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The commissioner is hereby authorized to charge any fees associated with this communication to Client's Deposit Account No. 20-0668.

Respectfully Submitted,

Date: 6-14-06


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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on June 14, 2006.

 6-14-06
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